Express Mail Label No.: EV 452428453 US of Deposit: January 24, 2005

Attorney Docket No. 28069-547CIP (Formerly: 401865/SKYEPHARMA)

## <u>ED STATES PATENT AND TRADEMARK OFFICE</u>

Indu PARIKH

Confirmation No.:

8677

Serial No.

09/282,471

Customer No.:

35437

Filing Date

March 31, 1999

TC/Art Unit

1615

Examiner

Susan T. Tran

For

FENOFIBRATE MICROPARTICLES

**Attention: Office of Petitions** MAIL STOP PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450\_\_\_\_

## PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)

- This petition is to request revival of the above-identified application under 37 CFR 1. 1.137(b). This application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action, plus any extensions of time actually obtained.
- A Petition Fee (Check No. 2440 in the amount of \$1500.00) for filing the Petition for a 2. Large Entity is enclosed herewith (37 C.F.R. §1.17(m)).
- The entire delay in filing the required reply from the due date of the required reply until the 3. filing of the present petition was unintentional (37 C.F.R. §1.137(b)(3)).
- A Request for Continued Examination (RCE) Transmittal under 37 C.F.R. §1.114 is 4. enclosed herewith.
- An Amendment pursuant to 37 C.F.R. §1.116 in response to the final Office Action dated 5. May 5, 2004 is enclosed herewith.

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6. A Notice of Appeal and Appeal Fee are enclosed herewith.

- 7. A Return Receipt Postcard is enclosed.
- 8. The Commissioner is hereby authorized to charge any additional fees that may be properly assessable in this application, or to credit any overpayment of same, to Deposit Account No.: 50-0311, Ref. No. 28069-547CIP2, Customer No. 35437.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEO, P.C.

Dated: January 24, 2005

Leslie A. Serunian
Reg. No. 35,353

## **Mailing Address:**

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEQ, P.C. The Chrysler Center, 24<sup>th</sup> Floor 666 Third Avenue
New York, New York 10017
Tel: (212) 935-3000

Fax: (212) 983-3115

Customer No. 35437